

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR MEETING HELD
ON WEDNESDAY, JUNE 17, 2020 AT 6:00 P.M. IN THE CITY OF LAS VEGAS
COUNCIL CHAMBERS**

MAYOR: Louie A. Trujillo

COUNCILORS: Joseph P. Baca
David G. Romero
Michael L. Montoya
David A. Ulibarri, Jr.

ALSO PRESENT: Bill Taylor, City Manager
Casandra Fresquez, City Clerk
Aaron Scott, City Attorney
David Bibb III, Sergeant at Arms

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Councilor Montoya asked to remember those in the community who had gone before us, also Mr. Leo Armijo who had recently passed. He asked God for wisdom and knowledge for the Governing Body in regard to their decision making.

Marshall Poole with the AWC introduced "Lilly", a 3 year old dog that was available for adoption and informed of the spay/neuter programs available at the Animal Welfare Coalition.

APPROVAL OF AGENDA

City Clerk Fresquez advised an amendment was needed on the agenda, removing the second presentation by Maria Gilvarry, as it was presented last month and was an oversight.

Councilor Romero made a motion to move Executive Session after Public Input, to move Councilors' Reports after City Manager's Report and to remove the 3 minute limitation on Councilors' Reports, as he felt that was not enough time for them to speak.

Councilor Baca seconded the motion.

Mayor Trujillo stated that they limited the public's input to 3 minutes and felt it was fair that Councilors should also limit comments to the same time. He understood that it could go over the time and he would be lenient if need be although asked for Council's consideration to stay within that time.

Councilor Montoya advised he had previously recommended moving Councilors' Reports after the Mayor's Report. He stated he was also concerned in regard to the 3 minute limitation on Councilors' Reports and felt as elected officials and representatives of their constituents, it was inappropriate to limit their time to speak.

Councilor Ulibarri, Jr. agreed with the 3 minute time limit, stating that community issues could be taken directly to the City Manager.

Councilor Baca advised he supported the Council members who thought the time limit was inappropriate, that the time limit was different between the public and the Governing Body, as they were the ones accountable for decisions made. He stated the Mayor only voted at the time of a tie and Councilors voted on issues without the Mayor's approval, per the City Charter. Councilor Baca advised he could not make an informed decision based on limited information and they needed to respect each other and work the meetings in harmony.

Mayor Trujillo stated that Robert's Rules needed to be reviewed and that for tonight's sake, he would forgo the time limit although more discussion needed to take place as a group.

Councilor Romero stated he would amend his motion to move Councilor's Reports after the Mayor's Reports and remove the 3 minute limitation on Councilors' Reports.

Councilor Baca agreed and seconded the motion.

Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	Joseph P. Baca	Yes
David G. Romero	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

MAYOR'S APPOINTMENTS/REPORTS

Appointment of elected official and alternate to the North Central New Mexico Economic Development District.

Councilor Montoya made a motion to nominate Councilor Romero to the board of the North Central New Mexico Economic Development District and Community Development Director, Bill Hendrickson as the alternate. Councilor Ulibarri, Jr. seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Joseph P. Baca	Yes	Michael L. Montoya	Yes
David A. Ulibarri, Jr.	Yes		

City Clerk Fresquez re-read the motion and advised that the motion carried.

COUNCILOR'S REPORTS

Councilor Ulibarri, Jr. congratulated the Housing Department for the work on demolition that took place and thanked the Public Works Department for the job well done on pothole repair.

Councilor Romero commended Dr. Taylor, Recreation Department staff and Mr. Archuleta regarding acquiring Legislative funds for the Creston Circle Park and advised that Public Surveys were handed out to those residents and the project would be moving forward soon after review of surveys.

Councilor Montoya thanked the Mayor, Council, City/Fire Department staff and the community for their cooperation in the recent City Cleanup and beautification project in Ward 2 as it saved the City money. He advised the KAB program would be applying for funding regarding future cleanups and thanked Dennis Rivera with

NMHU for providing staff to clean behind the 1129 area and there would be another cleanup with City and NMHU staff near the Recreation Center as well. He thanked City Manager Taylor and Public Works Director Gurule for assisting him with issues in the Pecos/Columbia Street area and encouraged the community to get involved in helping the City in any way possible and thanked everyone who has helped.

Councilor Baca informed that he wanted to pursue obtaining some funding for landscaping in the area of the Beall's parking lot, near the intersection. He advised he spoke with the carport business owner there to help with funding and would ask Lupe Trujillo the property owner for assistance as well.

MAYOR'S RECOGNITIONS/PROCLAMATIONS

Mayor Trujillo and Chief of Police Bibb recognized and presented Andrea Gutierrez with a plaque for her retirement, for 20 years of service and selfless dedication to the community and the City of Las Vegas Police Department. She served as the first female Corporal and Narcotics Agent, Canine Officer and was the first female Officer to retire from the Las Vegas Police Department.

Ms. Gutierrez thanked everyone and stated she loved working for the City of Las Vegas, she had left the City for a short period of time although wanted to come back to retire from the City.

Mayor Trujillo stated for the record, that every retiring employee would receive a ceremony.

PUBLIC INPUT

Casandra Fresquez read one public input received via electronic mail from Barbara Perea Casey regarding the opposition of zone change (Business Item #1).

Beth Rings (present) - Spoke on the issue regarding Business Item #3-Resolution 20-29 Budget Adjustment Resolution.

Mayor Trujillo advised Ms. Rings to leave her contact information and Finance Director Mary Romero would provide her an explanation of the transfer in question.

EXECUTIVE SESSION

Councilor Romero made a motion to enter into Executive Session to discuss matters subject to the attorney client privilege pertaining to threatened or pending litigation in which the City of Las Vegas is or may become a participant, as permitted by Section 10-15-1 (H)(7) of the New Mexico Open Meetings Act, NMSA 1978. Councilor Ulibarri seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Joseph P. Baca	Yes	David G. Romero	Yes
Michael L. Montoya	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Councilor Romero made a motion to reconvene back into Regular Session after discussing only matters subject to the attorney client privilege pertaining to threatened or pending litigation in which the City of Las Vegas is or may become a participant, as permitted by Section 10-15-1 (H)(7) of the New Mexico Open Meetings Act, NMSA 1978. Councilor Montoya seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Joseph P. Baca	Yes	David G. Romero	Yes
Michael L. Montoya	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

PRESENTATIONS

A detailed presentation was given by James Gallegos with DOT providing information on the Welcome to Las Vegas sign and maintenance requirements related to sign and median. He also informed of other road repair projects taking place within the City of Las Vegas.

Lengthy discussion and questions took place regarding the Welcome to Las Vegas sign, enhancement funding and potential street camera installation.

Mayor and Council thanked Mr. James Gallegos, Mr. Walter Adams and the New Mexico Department of Transportation for their involvement in the projects taking place within the City of Las Vegas and hoped to continue to work together.

CITY MANAGER'S REPORT

City Manager Taylor presented the City Manager's Report with current projects taking place as follows:

1. City Budget/decreased revenue
2. Recreation Center Reopened- 6.5.2020
3. Parks/Recreation-Park Improvements
4. City of Las Vegas/NMHU- Improvement of collaboration between colleges & the city
5. Utilities Customer Service lobby open-6.17.2020
6. Utilities, Fire, Parks/Rec. Depts. & Hermit's Peak Watershed Alliance-Implementation of NM Tourism Grant
7. Ban of Retail Sale of Fireworks-Governor Michelle Lujan-Grisham Executive Order
8. LV Fire Dept./County Fire Dept.-Joint RFP for Ambulance Services
9. Public Works-Continued repair of potholes & street sweeping
10. COVID-19 Testing City Employees (6.12.20)

FINANCE REPORT

Finance Director Mary Romero presented the Finance Report for the month ending May 31, 2020 (92% of year lapsed), reporting the General Fund revenue at 97% (\$11,046,42) and expenditures came in at 80% (\$10,429,524). She advised the City would probably be seeing a decrease in gross receipts tax next month.

Mayor Trujillo asked if there was anything they needed to be alerted to regarding the City's budget.

Finance Director Romero advised that there were a couple of funds running low as far as available balances due to large annual and sick/leave payouts for employees who had left the City.

Mayor asked if there was a possibility to look at changing the payouts and limiting annual and sick leave.

Finance Director Romero advised that Human Resource Director Donna Castro would be discussing that later as an agenda item.

Brief discussion took place regarding the limited hours of operation at the Recreation Center and how it affected the City's revenue.

Finance Director Romero reported the Enterprise Funds revenue at 89% (\$15,153,651) and expenditures at 73% (\$15,305,785).

Mayor Trujillo asked if there was any state funded money that the City had not yet used for particular projects.

City Manager Taylor advised that it has been a concern and they were trying to encumber all those monies although there was a couple that could not be protected.

Ms. Romero clarified that there was only one that could not be protected.

Finance Director Romero reported the Recreation Department revenue at 78% (\$492,149) and expenditures were at 81% (\$585,866).

Brief discussion took place regarding the General Fund transfers and also the expenditures regarding the Recreation Center operations.

Finance Director Romero reported the Lodgers Tax Promotion revenue at 90% (\$341,144) and expenditures at 50% (\$275,740) with a surplus of 65,404.

Mayor Trujillo commended Finance Director Mary Romero for the important work she did in the Finance Department.

Ms. Romero advised that a loan had been paid off to the New Mexico Finance Authority on June 1, 2020 to purchase police vehicles and we would be receiving a refund for overpayment.

CONSENT AGENDA

1. Approval of The Lodgers Tax Advisory Board request to use lodger's tax funding for the purchase of Marketing Software.
2. Approval of The Lodgers Tax Advisory Board request to use lodger's tax funding for NM True Advertising.
3. Approval of The Lodgers Tax Advisory Board request to use lodger's tax funding for City Tourism and Film Tourism Websites.

4. Approval of Resolution #20-25 to accept grant agreement, (Project No. LVS-20-02) for the purchase of Tractor Equipment for the Las Vegas Municipal Airport.

Resolution 20-25 was presented as follows:

Resolution No. 20-25

A RESOLUTION OF THE CITY OF LAS VEGAS MUNICIPAL AIRPORT WITH THE NEW MEXICO DEPARTMENT TRANSPORTATION (NMDOT) AVIATION DIVISION.

WHEREAS, the City of Las Vegas Municipal Airport has received a NMDOT Aviation Grant Agreement (Project No. LVS-20-02) to provide funding for the purchase of Tractor Equipment; and

WHEREAS, the total amount of the agreement grant is \$40,222.00, NMDOT Aviation portion 100%; and

WHEREAS, the City of Las Vegas Municipal Airport will work in accordance with the funding requirements of the Grant agreement, Project No. LVS-20-02; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEW MEXICO that the recitals are incorporated herein by reference and the Governing Body hereby accepts the Grant Agreement through the NMDOT Aviation Division for the Las Vegas Municipal Airport.

APPROVED AND ADOPTED this ____ day of June, 2020.

Mayor Louie A. Trujillo

ATTEST:

Casandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

Scott Aaron, City Attorney

5. Approval of Resolution #20-26 to apply for and accept grant offer on the Las Vegas Airport and award bid #2020-10, crack seal and marking to American Road Maintenance Inc.

Resolution 20-26 was presented as follows:

CITY OF LAS VEGAS, NEW MEXICO
Resolution No. 20-26

**A RESOLUTION TO APPLY FOR AND ACCEPT THE GRANT
OFFER ON THE LAS VEGAS AIRPORT CRACK SEAL AND
MARKING**

WHEREAS, the City of Las Vegas ("City") solicited bids on May 5, 2020 for Crack and Seal Marking at the City's Municipal Airport ("Airport"); and

WHEREAS, the City received a bid #2020-10 from American Airport Maintenance, Inc. ("AAM"), of Itasca, Illinois, and desires to grant the contract to AAM; and

WHEREAS, expects to receive a financial grant from the Federal Aviation Administration ("FAA") in the amount of \$170,408.00 and a financial grant from the State of New Mexico ("State") in the amount of \$9,856.00; and

WHEREAS, the City would have to contribute \$9,857.00 in order to receive the State grant; and

WHEREAS, the total amount of the grant would be \$190,121.00 to include gross receipts tax, with the FAA's portion being 90%, the State's portion of 5% and the City's portion of 5%; and

WHEREAS, the aforementioned grants ("Grants") are provided in accordance with the FAA and State Department of Transportation Aviation Division for the City's Municipal Airport; and

WHEREAS, the Grants will be used to maintain the Airport runways, taxiways and markings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEW MEXICO, that the recitals are incorporated herein by reference and the Governing Body hereby grants the contract for bid #2020-10 to American Airport Maintenance, accepts the Grants and agrees to contribute the City's portion, and to use the Grants for the maintenance of the Airport's runways, taxiways and markings.

APPROVED AND ADOPTED this _____ day of June, 2020.

Mayor Louie A. Trujillo

ATTEST:

Reviewed and approved as to legal sufficiency only:

Casandra Fresquez, City Clerk

Scott Aaron, City Attorney

6. Approval of Resolution #20-28 to increase the budget of the Senior Center Program by \$11,700.

Resolution 20-28 was presented as follows:

**STATE OF NEW MEXICO
MUNICIPALITY OF CITY OF LAS VEGAS
RESOLUTION NO. 20-28**

**A RESOLUTION TO INCREASE THE BUDGET OF THE CITY OF LAS VEGAS SENIOR
CENTER PROGRAM BY \$11,700.00**

WHEREAS, the City of Las Vegas Senior Center Program was awarded \$11,700 for Emergency Assistance from San Miguel County for the Seniors enrolled in the Senior Center Program.

WHEREAS, the amount awarded is \$11,700 for the benefit of Seniors enrolled in the Senior Center Program because of COVID-19.

WHEREAS, the intent of the \$11,700 funding is to keep seniors at home as long as possible to reduce the risk of them contacting the COVID-19 virus.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAS VEGAS, NEW MEXICO, that:

San Miguel County awarded the City of Las Vegas Senior Center Program \$11,700 for the Seniors enrolled in the Senior Center Program for purchasing nonperishable food items and toiletries to help in the effort of keeping seniors home to assure our Senior population stays out of harm's way because of COVID-19.

PASSED, APPROVED AND ADOPTED this _____ day of _____ 2020.

MUNICIPAL GOVERNING BODY:

LOUIE TRUJILLO, MAYOR

ATTEST:

Casandra Fresquez, City Clerk

Approved as to Legal Sufficiency Only

City of Las Vegas Attorney

7. Approval to Publish Ordinance 20-03, amending the current Fire code.

8. Approval of Resolution #20-27, resolution to adopt a municipal records retention schedule and email retention guidelines.

Resolution 20-27 was presented as follows:

**CITY OF LAS VEGAS
RESOLUTION NO. 20-27**

**A RESOLUTION TO ADOPT A MUNICIPAL RECORDS RETENTION SCHEDULE
and EMAIL RETENTION GUIDELINES**

WHEREAS, The Governing Body recognizes that a records information management and retention policy is essential to the proper maintenance, storage, and destruction of all records used, created, received, maintained or held by the Municipality; and

WHEREAS, Previous schedules prepared by the NM State Records and Archives Division and utilized by municipalities have been repealed by NM State Records and Archives; requiring the development of a "New Mexico Municipal Records Retention Schedule" as prepared by the NM Municipal Clerks and Finance Officers Association; and

WHEREAS, This policy will reduce requirements for storage space, ensure consistency in disposition and handling, reduce chances for reckless disposal, and ensure compliance with the state of New Mexico retention requirements.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
OF THE CITY OF LAS VEGAS:**

Section 1. Municipal records will be held in accordance with the New Mexico Municipal Records Retention Schedule, as attached hereto. Such schedule may be updated from time to time by the Municipal Clerk to reflect any federal, state, or local changes in retention requirements.

Section 2. Records may be stored in electronic format, as appropriate and otherwise allowable, in accordance with guidelines established by the Municipal Clerk.

Section 3. Electronic messages (E-mail) shall be held in accordance with the email retention guidelines attached hereto.

Section 4. All previous retention schedules and email policies are hereby rescinded.

ADOPTED THIS ____ DAY OF June, 20__.

Mayor Louie A. Trujillo

ATTEST:

Approved for legal sufficiency:

E-mail Retention Guidelines

1. What are the retention requirements for E-Mail?

E-mail communications relating to municipal business are part of the Municipality's records and shall be retained depending upon the nature of the document, consistent with the retention requirements for that type of document. E-mail may include public records or transitory information. Only those e-mail classified as public records in the Public Records Act, or the Municipality's adopted records retention schedules, must be retained based on established retention periods published therein. The content of e-mail may vary considerably; therefore, each e-mail shall be evaluated to determine if it meets the definition of a public record.

2. Which E-mail constitute public records?

E-mail and attachments identified as public records shall be retained and stored for as long as required under the appropriate retention period provided in the Municipality's adopted records retention schedules. E-mail that are public records include but are not limited to:

- A. Policies and directives;
- B. Correspondence or memoranda that contain final directives, determinations, instructions or guidance regarding public business;
- C. Minutes of the Governing Body or Boards and Commissions, advisory groups, ad-hoc committees or work groups developing programs;
- D. Messages that authorize, establish or complete a business transaction; or
- E. Final reports or recommendations such as to the Governing Body or Boards and Commissions or produced by task forces or study groups.

3. Which E-mail are NOT public records?

Non-record and transitory e-mail do not set policy, provide directives, establish guidelines or procedures nor do they certify transactions; they may be destroyed at the discretion of the user. Non-record and transitory e-mail include but are not limited to:

- A. Duplicate copies of messages sent to multiple people;
- B. Personal messages and announcements not related to official City business;
- C. Preliminary drafts of letters, reports and memoranda;
- D. Messages considered brainstorming or preliminary thought processes in nature, reflecting the exchange of ideas preliminary to the development of a final decision or position of the City;
- E. Transmittal e-mail that do not add substantive information to the attachment(s) being transmitted;
- F. Copies of documents distributed for convenience or reference;
- G. Announcements of social events, such as retirement parties;
- H. Spam (unsolicited, commercial E-mail); and

I. Messages to or from E-mail distributions lists (listserv) not directly related to City business.

4. Other Considerations

A. E-mail should be filed in a manner that enhances accessibility and assists in records management and retention.

B. The attachment an e-mail contains falls under records management, not the e-mail which transmits it unless
the body of the email adds substantive information to the attachment.

Councilor Romero made a motion to approve the Consent Agenda as presented. Councilor Ulibarri, Jr. seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	Joseph P. Baca	Yes
David A. Ulibarri, Jr.	Yes	David G. Romero	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

BUSINESS ITEMS

1. Conduct a public hearing and approval/disapproval to adopt Ordinance 20-02, amendment to the Official Zoning Map for the City of Las Vegas.

Councilor Romero made a motion to go into Public Hearing. Councilor Montoya seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Joseph P. Baca	Yes	David G. Romero	Yes
Michael L. Montoya	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

City Attorney Aaron asked anyone who wished to speak on the issue, to stand and be sworn in. Maria Perea was sworn in.

Planning and Zoning Coordinator Maria Perea advised that this was an ordinance amending the City of Las Vegas zoning map from an R-1 (Single family residential zone) to a C-3 (General Commercial Zone) for property located at 1412 - 6th Street, Las Vegas, NM at the request of the purchaser, Center Pointe Development

Group, LLC and the property owner, Pay & Save, Inc. She advised she would be speaking on behalf of the Center Pointe Development Group due to COVID-19 traveling restrictions. Ms. Perea stated that the Planning and Zoning Commission recommended that they change the North entrance to an exit, making it an easier access to 6th Street and Mills Avenue and advised she had received two letters, one opposing (due to road condition) and one for the zone change.

Mayor Trujillo stated it was important to take the concerns into consideration of those who wrote in.

Ms. Perea explained that there was already an entrance to the property on 6th Street and the exit would be on the North side close to Mills Avenue and it was recommended by Planning & Zoning and Public Works Director Gurule that it would be an exit only. She stated that it was agreed upon to make changes later in the process if needed.

Councilor Montoya asked how many people would be employed in the project and if they had received permission from NMDOT to make an exit onto Mills Avenue if need be.

Ms. Perea advised that the letter of intent stated that there would be 7-8 full time and part time employees to start with and advised that Mills Avenue did not belong to NMDOT anymore. She advised if they decided to change the entrance on North Mills they would need approval from the City's Public Works Department and the Council.

Councilor Montoya asked how close the exit was to Mills Avenue where they wanted it existing and felt that area was very congested and the exit should be onto Mills Ave.

Ms. Perea informed that Exhibit 4 showed the exit plan although it did not state how far and if that was the recommendation of the Council, they were willing to work with the City.

Councilor Baca requested that once they build, that they incorporate landscaping.

Ms. Perea advised that it was part of the final plan and they would probably incorporate xeriscaping.

Councilor Romero asked if it had already gone through Planning & Zoning and what the process was regarding their recommendations to have the entrance come off of Mills Avenue.

Ms. Perea advised that it had already gone through the Planning & Zoning Board and she would include Council's recommendations in the letter to the company.

Councilor Romero stated that his concern was the damaged road in that area due to poor drainage and asked if we could possibly work with them on that.

Public Works Director Gurule advised that they could look into the drainage issue there.

Councilor Romero made a motion to approve the record proper. Councilor Baca seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Michael L. Montoya	Yes
Joseph P. Baca	Yes	David G. Romero	Yes

City Clerk Fresquez re-read the motion and advised the motion carried.

Councilor Romero made a motion to close Public Hearing and return to Regular Session. Councilor Montoya seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	David A. Ulibarri, Jr.	Yes
Joseph P. Baca	Yes	Michael L. Montoya	Yes

City Clerk Fresquez re-read the motion and advised the motion carried.

Councilor Montoya made a motion to adopt Ordinance 20-02, amendment to the Official Zoning Map for the City of Las Vegas. Councilor Romero asked the maker of the motion to include the Mills entrance to his motion.

Councilor Montoya stated "so moved".

Councilor Romero seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Joseph P. Baca	Yes	David A. Ulibarri, Jr.	Yes
David G. Romero	Yes	Michael L. Montoya	Yes

City Clerk Fresquez re-read the motion and advised the motion carried.

2. Approval/Disapproval of Resolution 20-09, authorizing the City of Las Vegas to Quitclaim a portion of 4th Street as per preliminary plat attached as Exhibit A and legal description noted on resolution.

Planning and Zoning Coordinator Maria Perea advised that the Las Vegas City Schools are requesting that the portion of 4th Street that is located between two Las Vegas City Schools be vacated in order to provide security for Robertson High School and Middle School. The applicant's intent is to complete construction of a security fence. She informed that gates would be installed on the North end of 4th Street although it would allow First Responders and Teachers to enter or exit.

Discussion took place regarding previous parking issues at the school and how the gates would affect the surrounding residents.

Councilor Romero made a motion to approve Resolution 20-09, authorizing the City of Las Vegas to Quitclaim a portion of 4th Street as per preliminary plat attached as Exhibit A and legal description noted on resolution. Councilor Ulibarri, Jr. seconded the motion.

Resolution 20-09 was presented as follows:

CITY OF LAS VEGAS, NEW MEXICO
Resolution No. 20-09

A RESOLUTION TO QUITCLAIM OF A PORTION OF 4TH STREET TO THE LAS VEGAS CITY SCHOOLS, WITHIN THE CITY OF LAS VEGAS.
WHEREAS, the Las Vegas City Schools ("LVCS") applied for the vacation of a portion of the right-of-way on 4th Street, from a point north of Baca Avenue to a point south of Friedman Avenue ("ROW Portion"), as seen on the Boundary Survey by Winston & Associates LLC Land Surveying and attached hereto as **Exhibit A**;

WHEREAS, the legal description of the ROW Portion is as follows:

A tract of land lying and being situate within Section 23, Township 16 North, Range 16 East, N.M.P.M. as projected into the Las Vegas Land Grant, Las Vegas,

San Miguel County, New Mexico, as shown on an unrecorded survey plat titled "BOUNDARY SURVEY PREPARED FOR LAS VEGAS CITY SCHOOLS," prepared by Edward G. Winston, PLS 6999, drawing No. 018-074 and more particularly described by metes and bounds as follows:

Commencing at the State of New Mexico Triangulation station "GOLF" thence S09°06'43"E A Distance Of 2995.33' to the northeast corner and **POINT OF BEGINNING** of this tract;

Thence S27°42'24"E A Distance Of 491.68' to the SE'ly corner of the tract;

Thence S62°17'36"W A Distance Of 80.00' to the SW'ly corner of the tract;

Thence N27°42'24"W A Distance Of 492.26' to the NW'ly corner of the tract;

Thence N62°42'48"E A Distance Of 80.00' to the **POINT OF BEGINNING**.

Said parcel contains .904 acres, more or less.

Said parcel is subject to any and all easements and matters of record.

WHEREAS, on May 26, 2020, the Las Vegas Planning and Zoning Commission, following adequate public notice, held a public hearing to receive public input concerning the proposed vacation of the ROW Portion and on May 26, 2020 adopted a motion recommending approval of the proposed vacation of the ROW Portion; and

WHEREAS, on June __, 2020, the Governing Body of the City of Las Vegas, following adequate public notice, held a public hearing to receive public input concerning the recommendations of the Planning and Zoning Commission for the City of Las Vegas ("City") to vacate the ROW Portion to LVCS.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Las Vegas, New Mexico, hereby incorporates the recitals and any exhibits herein by reference and grants the following action in response to LVCS's application for the vacation of the ROW Portion. The Governing Body hereby adopts the following findings and resolves as follows:

1. The ROW Portion is currently being used predominantly as parking for students, faculty and staff at the Robertson High School campus;
2. The City does not have any use for the ROW Portion, because a permanent blockade has been in place for decades near 4th Street and Friedman Avenue ("Blockade") which prohibits the public from using the ROW Portion as a public thoroughfare on 4th Street between Baca Avenue and Friedman Avenue;
3. The City would benefit by not having to maintain the ROW Portion;
4. The City should quitclaim the ROW Portion to LVCS on the condition that the City and LVCS use a form of quitclaim deed substantially similar to **Exhibit B** attached hereto, and execute an agreement similar in substance to **Exhibit C** attached hereto.

PASSED, APPROVED AND ADOPTED this _____ DAY OF June, 2020.

Louie A. Trujillo, Mayor

Reviewed and approved as to legal sufficiency only:

Scott Aaron, City Attorney

Attest:

Casandra Fresquez, City Clerk

Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	Joseph P. Baca	Yes
David G. Romero	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised the motion carried.

Mayor Trujillo took the opportunity to introduce Las Vegas City Schools Superintendent, Larissa Archuleta.

3. Approval/Disapproval of Resolution 20-29 Budget Adjustment Resolution.

Finance Director Mary Romero advised that the City of Las Vegas was requesting increases/decreases in the transfer line items for fund 216 Streets Dept. (decreases) to fund 214 Street Co-op Projects (increase) and fund 433 Rehab of Airport Projects (increase) to meet match requirements for NMDOT funded projects. An increase/decrease in the transfer line item from General Fund 101 to fund 273 Comprehensive master plan and revenue/expenditure increase in fund 433 Rehab of Airport Projects per amendment number 1 of Projects per amendment number 1 of Project no. LVS-19-01. She informed the Comprehensive Master Plan was 90% complete, it would be brought to Council for review in July and for approval in August and that the amount of the City's match was \$33,704.

Councilor Romero made a motion to approve Resolution 20-29 Budget Adjustment Resolution. Councilor Montoya seconded the motion.

Resolution 20-29 was presented as follows:

CITY OF LAS VEGAS, NEW MEXICO
Resolution No. 20-29
A RESOLUTION TO MAKE BUDGET ADJUSTMENTS FOR THE
2019-2020 FISCAL YEAR

WHEREAS, the Governing Body of Las Vegas has developed a budget adjustment request for fiscal year 2019-20; and

WHEREAS, said budget adjustments were developed on the basis of increases in revenues, expenditures and transfers (in) out through cooperation with all user departments, elected officials and other department supervisors, please see attached schedule; and

WHEREAS, the City of Las Vegas is in need of making budget adjustments in the 2019-2020 fiscal year budget to include increases/decreases in the transfer line items from fund 216 Streets Dept. (decreases) to fund 214 Street Co-op Projects (increase), and fund 433 Rehab of Airport Projects (increase) to meet match requirements for NMDOT funded projects. An increase/decrease in the transfer line item from General Fund 101 to fund 273 Comprehensive master plan and revenue/expenditure increase in fund 433 Rehab of Airport Projects per amendment number 1 of project no. LVS-19-01 and in fund 214 to include the state funded portion of project numbers L400474 and L400446; and

WHEREAS, the Governing Body finds that the budget adjustment request should be approved as it meets the requirements as currently determined for fiscal year 2019-20.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Las Vegas, that the recitals and any exhibits are incorporated herein by reference and the Governing Body hereby approves the aforementioned budget adjustment request and respectfully requests approval from the Local Governing Division of the Department of Finance and Administration.

APPROVED AND ADOPTED this _____ day of June, 2020.

Mayor Louie A. Trujillo

ATTEST:

Reviewed and approved as to legal sufficiency only:

Casandra Fresquez, City Clerk

Scott Aaron, City Attorney

Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Joseph P. Baca	Yes
David G. Romero	Yes	Michael L. Montoya	Yes

City Clerk Fresquez re-read the motion and advised the motion carried.

BUSINESS ITEMS CONTINUED

4. Approval/Disapproval to Publish Ordinance 20-04, to amend the Code of the City of Las Vegas, Chapter 66, Personnel Rules, Section 52, entitled Vacation Leave.

HR Director Donna Castro advised the governing body to review and consider changes to City's vacation policy so that policy reflects current practice. She informed that it had been the practice of the City to pay out 240 hours of vacation leave when someone left employment although the ordinance only allowed for 212 hrs for regular staff and 312 for Directors and the Human Resource Department wanted to change the ordinance to match the current practices.

Discussion and questions took place on previous practices regarding banked vacation time usage and an employee vacation leave program.

Councilor Ulibarri, Jr. made a motion to approve to Publish Ordinance 20-04, to amend the Code of the City of Las Vegas, Chapter 66, Personnel Rules, Section 52, entitled Vacation Leave. Councilor Montoya seconded the motion.

Ordinance 20-04 was presented as follows:

CITY OF LAS VEGAS, NEW MEXICO Ordinance No. 20-04

AN ORDINANCE TO AMEND the Code of the City of Las Vegas, Chapter 66 Section 52 thereof, entitled "Vacation Leave". This Ordinance is enacted pursuant to Section 2.02 of the City of Las Vegas Municipal Charter, and is an exercise of the City of Las Vegas home rule powers.

BE IT ENACTED by the Governing Body of the City of Las Vegas as follows:

Section 1. Chapter 66 Section 52, entitled "Vacation Leave", of the Code of the City of Las Vegas is hereby amended to read as follows:

A. Vacation leave shall be granted to regular employees according to the following guidelines:

(1) Regular full-time-status employees with one to 60 months of service (1 to 5 years) shall accumulate 8 hours of vacation leave per month.

(2) Regular full-time-status employees with 61 to 180 months service (5 to 15 years) shall accumulate 10 hours of vacation leave per month.

(3) Regular full-time-status employees with 181 months and over of service (15 years or more) shall accumulate 12 hours of vacation leave per month.

B. Department directors shall accumulate 12 hours of vacation leave per month equal to 18 working days per year regardless of seniority. Department directors shall be allowed to accumulate up to 312 hours of vacation leave equal to 39 regular working days. At no time will a Department Director accumulate more than 312 hours of vacation leave.

C. Scheduling. Vacation leave shall be taken in increments but the employee may only take vacation leave if it has been accumulated. The Department Director or designee thereof shall schedule, at their sole discretion, vacation leave for all regular-status employees upon the request of the employee one each calendar year, if the employee has accumulated 40 hours or more of vacation leave. No employee shall be granted more than 20 days or 160 hours of vacation leave within a 12 month period. Employees planning to utilize vacation leave shall give written notice of said leave, within a reasonable period of time, but no less than 5 working days prior to taking vacation.

D. Pay for unused vacation leave upon termination.

(1) Regular full-time status employees. Any vacation leave accumulated but not taken at the time of employment termination shall be paid in full, not to exceed 240 hours.

(2) Department Directors. Any vacation leave accumulated but not taken at the time of employment termination shall be paid in full, not to exceed 312 hours.

(3) The separation form must be signed by all appropriate parties prior to the payment of unused vacation leave.

E. Regular-status employees shall be allowed to accumulate up to 240 hours of vacation leave, equal to 30 regular working days. At no time shall the employee accumulate more than 240 hours of vacation leave.

F. Vacation leave is not accumulated for periods during the time an employee does not work due to suspension without pay, administrative leave without pay, or any other such leave identified to be without pay.

G. Donation of vacation leave time. Donation of vacation leave is prohibited.

H. Vacation leave upon retirement. An employee who has accumulated vacation leave at the time of their retirement shall have their leave paid out in a lump sum, in accordance with Section

66-52(D), by the City based upon availability of funds. This section applies retroactively to employees retiring after July 1, 2010.

Section 2. Severability. The provisions of this ordinance are declared to be severable, and if any portion of this ordinance, for any reason, is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance.

Section 3. Effective Date. This ordinance shall become effective upon the execution by the Mayor and the affirmative vote of the majority of the Governing Body.

PASSED, ADOPTED and ENACTED this _____ day of June, 2020.

Mayor Louie A. Trujillo

ATTEST:

Reviewed and approved as to legal sufficiency only:

Casandra Fresquez, City Clerk

Scott Aaron, City Attorney

Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Joseph P. Baca	Yes
David A. Ulibarri, Jr.	Yes	Michael L. Montoya	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

ADJOURN

Councilor Ulibarri, Jr. made a motion to adjourn. Councilor Montoya seconded the motion. Mayor Trujillo asked for roll call. Roll Call Vote was taken and reflected the following:

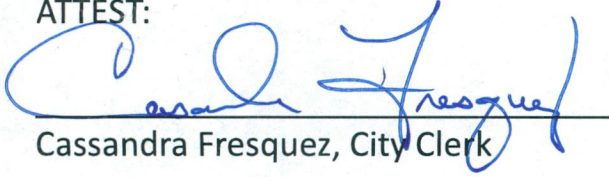
Joseph P. Baca	Yes	David G. Romero	Yes
David A. Ulibarri, Jr.	Yes	Michael L. Montoya	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.



Mayor Louie A. Trujillo

ATTEST:



Cassandra Fresquez, City Clerk